



STATE OF NEVADA
COMMISSION ON ETHICS
<http://ethics.nv.gov>

Wednesday, May 9, 2007
9:00 a.m.

Boardroom of the State of Nevada Gaming Control Board
1919 E. College Parkway
Carson City, Nevada

and via videoconference to:

Boardroom of the State of Nevada Gaming Control Board
Grant Sawyer Building
555 E. Washington Avenue
2nd Floor, Executive Conference Room
Las Vegas, Nevada 89101

MINUTES

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics.
A verbatim transcript of the open session proceedings, prepared by a certified court reporter,
is available for inspection at the Commission offices in Carson City and Las Vegas.

Commission Members Present (in Carson City):
Jim Kosinski, Esq., Chairman; Rick Hsu, Esq.

Commission Members Present (in Las Vegas):
Mark Hutchison, Esq., Vice Chairman; Timothy Cashman;
William Flangas; George Keele, Esq.

Commission Members Absent and Excused:
Caren Jenkins, Esq.; Randall Capurro

Commission on Ethics Staff Present (in Carson City):
L. Patrick Hearn, Executive Director
Adriana G. Fralick, Esq., General Counsel
Emily H. Nunez, Office Manager

Commission on Ethics Staff Present (in Las Vegas):
Matt Di Orio, Senior Investigator
Tami DeVries, Research Analyst

Others Present:
Richard Gent, Member, Churchill County Board of Trustees;
Shelly Aldean and Robin Williamson, Members, Carson City Board of Supervisors;

Chairman Kosinski called the meeting to order at 9:10 a.m., Wednesday, May 9, 2007.

Agenda Item 1 – Open session to approve the minutes of the April 11, 2007, Commission meeting

Chairman Kosinski opened the agenda item to approve the minutes of the April 11, 2007 Commission meeting. Commissioner Keele requested an amendment to the minutes and moved they be approved as amended. Commissioner Hsu seconded the motion. The motion was put to a vote and passed unanimously.

Agenda Item 2 – Request for Opinion No. 07-22A

Closed session pursuant to NRS 281.511(5), to hear testimony, receive evidence, deliberate, and render an opinion relating to a confidential Advisory Opinion Request submitted pursuant to NRS 281.511(1).

Agenda Item 3 – Request for Opinion 07-17A

Open session to hear testimony, receive evidence, deliberate, and render an opinion relating to an Advisory Opinion Request submitted by Richard Douglas Gent, School Board Trustee, Churchill County, pursuant to NRS 281.511(1). (Confidentiality waived)

Chairman Kosinski opened this agenda item. Commissioner Hsu stated that he and his law firm represent the Churchill County School District and its board of trustees when requested; therefore, he will abstain in this matter.

Mr. Hearn, Executive Director, then provided the Commission with a background on the matter. He stated that Mr. Gent has asked the commission to opine as to whether or not a conflict of interest exists by the fact that he purchased an automobile from the principal of Churchill County High School. Mr. Gent began researching the purchase of a vehicle in December of 2006 after his daughter's vehicle had significant mechanical problems. Around February 12, 2007, Mr. Gent mentioned to a coworker that he was looking for a pickup truck for his daughter, at which time the coworker mentioned that Mr. Riley, the principal, was selling his pickup truck. Mr. Gent's wife later contacted Mr. Riley for the details about the truck and on February 26, 2007, Mr. Gent paid Mr. Riley \$8,000 in cash for the purchase of the truck.

On March 7, 2007, Mr. Gent met with the Churchill County District Attorney, where he learned that there were questions raised about the sale of the vehicle, and why the vehicle was sold to Mr. Gent at such a “good price.” When Mr. Gent thought the sale was perceived as being unethical he made plans to take the following steps to address the concerns raised by the district attorney:

- Mr. Gent made a full disclosure of this issue during the March 8, 2007, public hearing of the Churchill County School Board;
- He plans to remove himself from any vote dealing with Mr. Riley on the recommendation, direction from the Churchill County School Board; and
- He plans to comply with any recommendations or directive from the Nevada Commission on Ethics

Following Mr. Gent’s testimony, Commissioner Hutchison moved that the Commission on Ethics find that the truck sale transaction between Mr. Gent and Mr. Riley did not violate the provisions of NRS 281.481 or NRS 281.501. Commissioner Flangas seconded the motion. After further discussion, the motion was put to a vote and passed unanimously with one abstention.

Chairman Kosinski closed this agenda item.

Agenda Item 4 – Request for Opinion 07-23A

Closed session pursuant to NRS 281.511(5), to hear testimony, receive evidence, deliberate, and render an opinion relating to a confidential Advisory Opinion Request submitted pursuant to NRS 281.511(1).

Agenda Item 5 – Request for Opinion 07-25A

Closed session pursuant to NRS 281.511(5), to hear testimony, receive evidence, deliberate, and render an opinion relating to a confidential Advisory Opinion Request submitted pursuant to NRS 281.511(1).

Agenda Item 6 – Open session for update by the executive director, discussion and possible action relating to 2007 legislative session.

Chairman Kosinski opened this agenda item. Mr. Hearn provided a review on the status of the following bills:

- AB79 with regard to restricting the use of governmental time, property, or equipment for completion of campaign contribution expenditure reports and financial disclosure statements.
- AJR1 the “three strikes you are out” bill. If an individual is found to have violated the Ethics in Government Law three times, they would automatically forfeit their office.

- AB142 which would require mandatory training on ethics laws for public officers who file financial disclosure statements and for legislative lobbyists.
- AB143 which would increase the time limit for investigations from 45 days to 120 days, and 45 days for the rendering of an advisory opinion after receiving the request.
- AB335 which would add a definition of gift to NRS 281 to the Ethics in Government Statutes.

Chairman Kosinski stated that the Commission would continue to work for legislation that would extend our time for investigations.

Chairman Kosinski closed this agenda item.

A lunch recess was taken at 12:10 p.m.

The meeting reconvened at approximately 1:15 p.m.

Agenda Item 7 – Open session for discussion and possible action regarding strategic plan for training.

Chairman Kosinski opened this agenda item for the Executive Director to present his strategic plan for training. Mr. Hearn advised Commissioners that he had met with Counsel, Adriana Fralick, and Research Analyst, Tami DeVries, to collaborate on this plan, and requested that Tami provide an overview of the materials presented.

Tami stated that the decision was to come up with a vision and a mission towards being more proactive. She introduced the primary goals and strategies as well as examples of newsletters, brochures, training and educational materials to be provided on the Commission web site, and other information she felt would be helpful to accomplishing the goals and objectives of the Commission's strategic plan for training.

Chairman Kosinski stated that Legislative Counsel is currently teaching ethics to new legislators, and, if the Commission is to make the presentation on ethics to new legislators in the future, he wants to ensure that the training will be more elaborate than any information placed on the web site for public officers and public officials.

Commissioner Keele advised Ms. DeVries that there are many existing structures that we can turn to for conducting informational meetings and workshops rather than scheduling separate meetings. For instance, he stated, that the Nevada Public Agency Insurance Pool and Public Agency Compensation Trust (Pool/PACT) does semiannual strategy meetings where they invite people from different agencies to make presentations.

Chairman Kosinski thanked Ms. DeVries for doing a great job with putting the strategic plan together. He requested that this item be discussed further at the next meeting to determine if the strategic plan would be pursued by a subcommittee or by the full commission. The agenda item was closed.

Agenda Item 8 – Open session for Chairman’s Comments

Chairman Kosinski opened this agenda item. He then referred to Counsel, Adriana Fralick, for a status update on written opinions. As for pending investigations, the Chair expressed concerns that cases are pending for much too long and that staff would have to come up with some way to move these cases faster.

Mr. Hearn briefly updated the commissioners about additional trainings he will be conducting in the coming months.

Chairman Kosinski closed this agenda item.

Agenda Item 9 – Open session for public comment

Chairman Kosinski opened the agenda item for public comment. No public comment was made, and the agenda item was closed.

Chairman Kosinski adjourned the meeting at 3:30 p.m.

Minutes transcribed by:

Minutes approved July 19, 2007

Emily H. Nunez, Office Manager

Jim Kosinski, Chairman